

# Supreme Court of Florida

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No. SC96900

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**RICHARD NAGEL,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[July 13, 2000]

PER CURIAM.

We have for review Nagel v. State, 739 So. 2d 1242 (Fla. 4th DCA 1999), because it cited as controlling authority Goodwin v. State, 721 So. 2d 728 (Fla. 4th DCA 1998), approved in part, disapproved in part, 751 So. 2d 537 (Fla. 1999). We have jurisdiction. See art. V, § 3(b)(3), Fla. Const.; Jollie v. State, 405 So. 2d 418, 420 (Fla. 1981). We quash the decision below and remand for further proceedings in light of our opinion in Goodwin v. State, 751 So. 2d 537 (Fla. 1999).

It is so ordered.

SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.  
WELLS, C.J., dissents.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION, AND IF  
FILED, DETERMINED.

Application for Review of the Decision of the District Court of Appeal -  
Direct Conflict

Fourth District - Case No. 4D98-4144

(Palm Beach County)

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for Petitioner

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for Respondent